

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BRIAN CHAN, CHRISTOPHER CABANILLA,
CHUN H. LIU, JOHN SCOTTO, DANIEL VACCARO,
DAVID CHEUNG, DOMINICK CELANO, PHILIP
CELANO, EDWARD CHEUNG, PETER CHEUNG,
KENNY YEUNG, LOUIS DISTEFANO, HELEN
DOUGHERTY, JAROSLAW KUZNICKI, JOHN
GILMORE, JOSE A. DIAZ, KEVIN GRANDE, KIEN
LEE, LENNY CESARE, MAGDALENA CABANILLA,
ROBERT BUSH, MICHAEL TALIERCIO, MICHAEL
RADOVICH, DRAGAN RADNOVICH, PHILIP
CESARE, PHILIP MARCHESE, PHILIPPE
CABANILLA, STEPHEN PETROGLIA, TIM CHAN,
TOMMY PENG, VICKI PENG, VICTOR
CHAMORRO, and VINCENT MUSTACCHIA,

Civil Action No.: 17-CV-6473-ALC

Plaintiffs,

-against-

BIG GEYSER, INC., LEWIS HERSHKOWITZ,
GERARD A. REDA, LYNN HERSHKOWITZ,
STEVEN HERSHKOWITZ, ERIC CELT, RON
GENOVESE, MIKE WODISKA, KAYTE MOONEY,
and DENNIS TOMPKINS,

Defendants.

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NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon the annexed Declaration of Jeffrey W. Brecher,
Esq. in Support of Defendants' Motion to Dismiss the Amended Complaint and the exhibits
attached thereto; Defendants' Memorandum of Law in Support of Their Motion to Dismiss the
Amended Complaint; and, upon all the pleadings and proceedings herein, Defendants BIG
GEYSER, INC., LEWIS HERSHKOWITZ, GERARD A. REDA, LYNN HERSHKOWITZ, STEVEN
HERSHKOWITZ, ERIC CELT, RON GENOVESE, MIKE WODISKA, KAYTE MOONEY, and
DENNIS TOMPKINS will move this Court at such date and time designated by the Court, before

Hon. Andrew L. Carter at the United States District Court for the Southern District of New York, 40 Foley Square, Room 1306, New York, New York 10007, for an order granting Defendants' motion to dismiss the Amended Complaint pursuant to Rules 12(b)(6) and 9(b) of the Federal Rules of Civil Procedure, and for such other and further relief as this Court may deem just and proper.

Dated: Melville, New York
November 22, 2017

Respectfully submitted,

JACKSON LEWIS P.C.
ATTORNEYS FOR DEFENDANT
58 South Service Road, Ste. 250
Melville, New York 11747
(631) 247-0404

s/

By:

JEFFREY W. BRECHER
ALEX VILLANELLA
HEATHER HILI

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of November, 2017, I caused a true and correct copy of the enclosed **DEFENDANTS' NOTICE OF MOTION TO DISMISS** attached thereto to be electronically filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, the Southern District's Local Rules, and the Southern District's Rules on Electronic Service upon the following parties and participants:

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s/

JEFFREY W. BRECHER, ESQ.

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